



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/30/08

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 29, 2008

BY FAX

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Frank Rodriguez
07 Cr. 845 (AKH)

Dear Judge Hellerstein:

I write to request an adjournment of the plea that is scheduled for ~~today, January 29, 2008.~~
February 8, 2008.

This morning, I received a message from counsel for the defendant, Ronald Aiello, indicating that he was released from the hospital in the past few days after major surgery. (As the Court knows from prior correspondence, Mr. Aiello has been dealing with significant health problems in recent months.) Mr. Aiello indicated in the message that he will be recuperating until about March 1, 2008. He thus requests that the plea be rescheduled for some time after that date.

The Government also requests that the Court exclude time until a control date of March 30, 2008, or in the alternative the date the Court selects for the plea. The Government submits that such exclusion is warranted pursuant to 18 U.S.C. § 8161(h)(8)(A). Specifically, the ends of justice outweigh the best interest of the public and the defendant in a speedy trial because it affords the defendant the opportunity to receive

MEMO ENDORSED

The Honorable Alvin K. Hellerstein
January 29, 2008
Page 2

effective assistance of counsel in connection with his plea.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

By: William J. Harrington
William J. Harrington
Assistant United States Attorney
212-637-2331

cc: Ronald Aiello (by fax)
Counsel for the defendant